

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 873
97TH GENERAL ASSEMBLY

5908H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 21.771, 37.710, 210.027, 210.117, 210.145, 210.152, 210.160, 210.183, 210.211, 210.482, 210.487, 211.038, and 334.950, RSMo, and to enact in lieu thereof thirteen new sections relating to children, with existing penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 21.771, 37.710, 210.027, 210.117, 210.145, 210.152, 210.160, 210.183, 210.211, 210.482, 210.487, 211.038, and 334.950, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 21.771, 37.710, 210.027, 210.117, 210.145, 210.152, 210.160, 210.183, 210.211, 210.482, 210.487, 211.038, and 334.950, to read as follows:

21.771. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (1) Make a continuing study and analysis of the state child abuse and neglect reporting
14 and investigation system;

15 (2) Devise a plan for improving the structured decision making regarding the removal
16 of a child from a home;

17 (3) Determine the additional personnel and resources necessary to adequately protect the
18 children of this state and improve their welfare and the welfare of families;

19 (4) Address the need for additional foster care homes and to improve the quality of care
20 provided to abused and neglected children in the custody of the state;

21 (5) Determine from its study and analysis the need for changes in statutory law; [and]

22 (6) Make any other recommendation to the general assembly necessary to provide
23 adequate protections for the children of our state; **and**

24 **(7) Make recommendations on how to improve abuse and neglect proceedings**
25 **including examining the role of the judge, children's division, the juvenile officer, the**
26 **guardian ad litem, and the foster parents.**

27 3. The joint committee shall meet within thirty days after its creation and organize by
28 selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and
29 the other a member of the house of representatives. The chairperson shall alternate between
30 members of the house and senate every two years after the committee's organization.

31 4. The committee shall meet at least quarterly. The committee may meet at locations
32 other than Jefferson City when the committee deems it necessary.

33 5. The committee shall be staffed by legislative personnel as is deemed necessary to
34 assist the committee in the performance of its duties.

35 6. The members of the committee shall serve without compensation but shall be entitled
36 to reimbursement for actual and necessary expenses incurred in the performance of their official
37 duties.

38 7. It shall be the duty of the committee to compile a full report of its activities for
39 submission to the general assembly. The report shall be submitted not later than the fifteenth of
40 January of each year in which the general assembly convenes in regular session and shall include
41 any recommendations which the committee may have for legislative action as well as any
42 recommendations for administrative or procedural changes in the internal management or
43 organization of state or local government agencies and departments. Copies of the report
44 containing such recommendations shall be sent to the appropriate directors of state or local
45 government agencies or departments included in the report.

46 8. The provisions of this section shall expire on January 15, 2018.

37.710. 1. The office shall have access to the following information:

2 (1) The names and physical location of all children in protective services, treatment, or
3 other programs under the jurisdiction of the children's division, the department of mental health,
4 and the juvenile court;

5 (2) All written reports of child abuse and neglect; and

6 (3) All current records required to be maintained pursuant to chapters 210 and 211.

7 2. The office shall have the authority:

8 (1) To communicate privately by any means possible with any child under protective
9 services and anyone working with the child, including the family, relatives, courts, employees
10 of the department of social services and the department of mental health, and other persons or
11 entities providing treatment and services;

12 (2) To have access, including the right to inspect, copy and subpoena records held by the
13 clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions,
14 public or private, and other agencies, or persons with whom a particular child has been either
15 voluntarily or otherwise placed for care, or has received treatment within this state or in another
16 state;

17 (3) To work in conjunction with juvenile officers and guardians ad litem;

18 (4) To file any findings or reports of the child advocate regarding the parent or child with
19 the court, and issue recommendations regarding the disposition of an investigation, which may
20 be provided to the court and to the investigating agency;

21 (5) To file amicus curiae briefs on behalf of the interests of the parent or child, **or to file**
22 **such pleadings necessary to intervene on behalf of the child at the appropriate judicial level**
23 **using the resources of the office of the attorney general;**

24 (6) To initiate meetings with the department of social services, the department of mental
25 health, the juvenile court, and juvenile officers;

26 (7) To take whatever steps are appropriate to see that persons are made aware of the
27 services of the child advocate's office, its purpose, and how it can be contacted;

28 (8) To apply for and accept grants, gifts, and bequests of funds from other states, federal,
29 and interstate agencies, and independent authorities, private firms, individuals, and foundations
30 to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated
31 account established within the office to permit moneys to be expended in accordance with the
32 provisions of the grant or bequest;

33 (9) Subject to appropriation, to establish as needed local panels on a regional or county
34 basis to adequately and efficiently carry out the functions and duties of the office, and address
35 complaints in a timely manner; and

36 (10) To mediate between alleged victims of sexual misconduct and school districts or
37 charter schools as provided in subsection 1 of section 160.262.

38 3. For any information obtained from a state agency or entity under sections 37.700 to
39 37.730, the office of child advocate shall be subject to the same disclosure restrictions and
40 confidentiality requirements that apply to the state agency or entity providing such information
41 to the office of child advocate. For information obtained directly by the office of child advocate
42 under sections 37.700 to 37.730, the office of child advocate shall be subject to the same
43 disclosure restrictions and confidentiality requirements that apply to the children's division
44 regarding information obtained during a child abuse and neglect investigation resulting in an
45 unsubstantiated report.

210.027. For child-care providers who receive state or federal funds for providing
2 child-care [services in the home] **fee assistance**, either by direct payment or through
3 reimbursement to a child-care beneficiary, the department of social services shall:

4 **(1) Establish publicly available website access to provider-specific information**
5 **about any health and safety licensing or regulatory requirements for the providers, and**
6 **including dates of inspections, history of violations, and compliance actions taken, as well**
7 **as the consumer education information required under subdivision (12) of this section;**

8 **(2) Establish or designate one hotline for parents to submit complaints about child**
9 **care providers;**

10 **(3) Be authorized to revoke the registration of a registered provider for due cause;**

11 ~~[(2)]~~ **(4) Require providers to be at least eighteen years of age;**

12 ~~[(3)]~~ **(5) Establish minimum requirements for building and physical premises to**
13 **include:**

14 **(a) Compliance with state and local fire, health, and building codes, which shall**
15 **include the ability to evacuate children in the case of an emergency; and**

16 **(b) Emergency preparedness and response planning. Child care providers shall**
17 **meet these minimum requirements prior to receiving federal assistance.** Where there are
18 no local ordinances or regulations regarding smoke detectors, **the department shall** require
19 providers, by rule, to install and maintain an adequate number of smoke detectors in the
20 residence **or other building** where child care is provided;

21 ~~[(4)]~~ **(6) Require providers to be tested for tuberculosis on the schedule required for**
22 **employees in licensed facilities;**

23 ~~[(5)]~~ **(7) Require providers to notify parents if the provider does not have immediate**
24 **access to a telephone;**

25 ~~[(6)]~~ **(8) Make providers aware of local opportunities for training in first aid and child**
26 **care;**

27 **(9) Promulgate rules and regulations to define pre-service training requirements**
28 **for child care providers and employees pursuant to applicable federal laws and**
29 **regulations;**

30 **(10) Establish procedures for conducting unscheduled onsite monitoring of child**
31 **care providers prior to receiving state or federal funds for providing child care services**
32 **either by direct payment or through reimbursement to a child care beneficiary, and**
33 **annually thereafter;**

34 **(11) Require child care providers who receive assistance under applicable federal**
35 **laws and regulations to report to the department any serious injuries or deaths of children**
36 **occurring in child care;**

37 **(12) With input from statewide stakeholders such as parents, child care providers**
38 **or administrators, and system advocate groups, establish a transparent system of quality**
39 **indicators appropriate to the provider setting that shall provide parents with a way to**
40 **differentiate between child care providers available in their communities as required by**
41 **federal rules. The system shall describe the standards used to assess the quality of child**
42 **care providers and the measurement approaches for such assessment. The system shall**
43 **indicate whether the provider meets Missouri's registration or licensing standards, is in**
44 **compliance with applicable health and safety requirements, and the nature of any**
45 **violations related to registration or licensing requirements. The system shall also indicate**
46 **if the provider utilizes nationally-recognized curricula and if the provider is in compliance**
47 **with staff educational requirements. Such system of quality indicators established under**
48 **this subdivision with the input from stakeholders shall be promulgated by rules. Any rule**
49 **or portion of a rule, as that term is defined in section 536.010, that is created under the**
50 **authority delegated in this section shall become effective only if it complies with and is**
51 **subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This**
52 **section and chapter 536, are nonseverable and if any of the powers vested with the general**
53 **assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove**
54 **and annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
55 **authority and any rule proposed or adopted after August 28, 2014, shall be invalid and**
56 **void. This subdivision shall not be construed as authorizing the operation, establishment,**
57 **maintenance, or mandating or offering of incentives to participate in a quality rating**
58 **system under section 167.216.**

210.117. 1. A child taken into the custody of the state shall not be reunited with a parent
2 or placed in a home in which the parent or any person residing in the home has been found guilty
3 of, or pled guilty to, any of the following offenses when a child was the victim:

- 4 (1) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
5 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
6 566.209, 566.212, or 566.215;
- 7 (2) A violation of section 568.020;
- 8 (3) A violation of subdivision (2) of subsection 1 of section 568.060;
- 9 (4) A violation of section 568.065;
- 10 (5) A violation of section 568.080;
- 11 (6) A violation of section 568.090; [or]
- 12 (7) A violation of section 568.175; **or**
- 13 **(8) A violation of section 573.025, 573.035, 573.037, or a felony violation of section**
14 **573.040.**
- 15 2. For all other violations of offenses in chapters 566 [and] , 568, **and 573** not
16 specifically listed in subsection 1 of this section or for a violation of an offense committed in
17 another state when a child is the victim that would be a violation of chapter 566 [or] , 568, **or**
18 **573**, if committed in Missouri, the division may exercise its discretion regarding the placement
19 of a child taken into the custody of the state in which a parent or any person residing in the home
20 has been found guilty of, or pled guilty to, any such offense.
- 21 3. In any case where the children's division determines based on a substantiated report
22 of child abuse that a child has abused another child, the abusing child shall be prohibited from
23 returning to or residing in any residence, facility, or school within one thousand feet of the
24 residence of the abused child or any child care facility or school that the abused child attends,
25 unless and until a court of competent jurisdiction determines that the alleged abuse did not occur
26 or the abused child reaches the age of eighteen, whichever earlier occurs. The provisions of this
27 subsection shall not apply when the abusing child and the abused child are siblings or children
28 living in the same home.
- 29 **4. When the division is otherwise unable to obtain the information necessary for**
30 **child placement under this section, the division may obtain fingerprints for any person**
31 **over the age of seventeen in the household and for any child less than seventeen years of**
32 **age residing in the home who the division has determined has been certified as an adult for**
33 **the commission of a crime in the same manner set forth in sections 43.543 and 210.487.**
34 **The fingerprints shall be used by the highway patrol to search the criminal history**
35 **repository and shall be forwarded to the Federal Bureau of Investigation for searching the**
36 **federal criminal history files. The highway patrol shall assist the division and provide the**
37 **criminal fingerprint background information, upon request.**

38 **5. Subject to appropriation, the total cost of fingerprinting required by this section**
39 **may be paid by the state, including reimbursement of persons incurring fingerprinting**
40 **costs under this section.**

41 **6. The division may make arrangements with other executive branch agencies to**
42 **obtain any investigative background information.**

43 **7. The division may promulgate rules that are necessary to implement the**
44 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
45 **536.010, that is created under the authority delegated in this section shall become effective**
46 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
47 **applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of**
48 **the powers vested with the general assembly under chapter 536 to review, to delay the**
49 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
50 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
51 **2014, shall be invalid and void.**

210.145. 1. The division shall develop protocols which give priority to:

2 (1) Ensuring the well-being and safety of the child in instances where child abuse or
3 neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families consistent with
5 state and federal law;

6 (3) Providing due process for those accused of child abuse or neglect; and

7 (4) Maintaining an information system operating at all times, capable of receiving and
8 maintaining reports. This information system shall have the ability to receive reports over a
9 single, statewide toll-free number. Such information system shall maintain the results of all
10 investigations, family assessments and services, and other relevant information.

11 2. The division shall utilize structured decision-making protocols for classification
12 purposes of all child abuse and neglect reports. The protocols developed by the division shall
13 give priority to ensuring the well-being and safety of the child. All child abuse and neglect
14 reports shall be initiated within twenty-four hours and shall be classified based upon the reported
15 risk and injury to the child. The division shall promulgate rules regarding the structured
16 decision-making protocols to be utilized for all child abuse and neglect reports.

17 3. Upon receipt of a report, the division shall determine if the report merits investigation,
18 including reports which if true would constitute a suspected violation of any of the following:
19 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen
20 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,
21 or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the
22 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than

23 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or
24 568.090, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such
25 crimes. The division shall immediately communicate all reports that merit investigation to its
26 appropriate local office and any relevant information as may be contained in the information
27 system. The local division staff shall determine, through the use of protocols developed by the
28 division, whether an investigation or the family assessment and services approach should be used
29 to respond to the allegation. The protocols developed by the division shall give priority to
30 ensuring the well-being and safety of the child.

31 4. When the child abuse and neglect hotline receives three or more calls, within a
32 seventy-two hour period, from one or more individuals concerning the same child, the division
33 shall conduct a review to determine whether the calls meet the criteria and statutory definition
34 for a child abuse and neglect report to be accepted. In conducting the review, the division shall
35 contact the hotline caller or callers in order to collect information to determine whether the calls
36 meet the criteria for harassment.

37 5. The local office shall contact the appropriate law enforcement agency immediately
38 upon receipt of a report which division personnel determine merits an investigation and provide
39 such agency with a detailed description of the report received. In such cases the local division
40 office shall request the assistance of the local law enforcement agency in all aspects of the
41 investigation of the complaint. The appropriate law enforcement agency shall either assist the
42 division in the investigation or provide the division, within twenty-four hours, an explanation
43 in writing detailing the reasons why it is unable to assist.

44 6. The local office of the division shall cause an investigation or family assessment and
45 services approach to be initiated in accordance with the protocols established in subsection 2 of
46 this section, except in cases where the sole basis for the report is educational neglect. If the
47 report indicates that educational neglect is the only complaint and there is no suspicion of other
48 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the
49 report. If the report indicates the child is in danger of serious physical harm or threat to life, an
50 investigation shall include direct observation of the subject child within twenty-four hours of the
51 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
52 observation. Callers to the child abuse and neglect hotline shall be instructed by the division's
53 hotline to call 911 in instances where the child may be in immediate danger. If the parents of the
54 child are not the alleged [abusers] **perpetrators**, a parent of the child must be notified prior to
55 the child being interviewed by the division. No person responding to or investigating a child
56 abuse and neglect report shall call prior to a home visit or leave any documentation of any
57 attempted visit, such as business cards, pamphlets, or other similar identifying information if he
58 or she has a reasonable basis to believe the following factors are present:

- 59 (1) (a) No person is present in the home at the time of the home visit; and
60 (b) The alleged perpetrator resides in the home or the physical safety of the child may
61 be compromised if the alleged perpetrator becomes aware of the attempted visit;
- 62 (2) The alleged perpetrator will be alerted regarding the attempted visit; or
63 (3) The family has a history of domestic violence or fleeing the community.
- 64 If the alleged perpetrator is present during a visit by the person responding to or investigating the
65 report, such person shall provide written material to the alleged perpetrator informing him or her
66 of his or her rights regarding such visit, including but not limited to the right to contact an
67 attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written
68 material or have such material read to him or her by the case worker before the visit commences,
69 but in no event shall such time exceed five minutes; except that, such requirement to provide
70 written material and reasonable time to read such material shall not apply in cases where the
71 child faces an immediate threat or danger, or the person responding to investigating the report
72 is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in
73 a school or child care facility the division shall not meet with the child in any school building
74 or child-care facility building where abuse of such child is alleged to have occurred. When the
75 child is reported absent from the residence, the location and the well-being of the child shall be
76 verified. For purposes of this subsection, child care facility shall have the same meaning as such
77 term is defined in section 210.201.
- 78 7. The director of the division shall name at least one chief investigator for each local
79 division office, who shall direct the division response on any case involving a second or
80 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
81 investigator shall include verification of direct observation of the subject child by the division
82 and shall ensure information regarding the status of an investigation is provided to the public
83 school district liaison. The public school district liaison shall develop protocol in conjunction
84 with the chief investigator to ensure information regarding an investigation is shared with
85 appropriate school personnel. The superintendent of each school district shall designate a
86 specific person or persons to act as the public school district liaison. Should the subject child
87 attend a nonpublic school the chief investigator shall notify the school principal of the
88 investigation. Upon notification of an investigation, all information received by the public
89 school district liaison or the school shall be subject to the provisions of the federal Family
90 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34
91 C.F.R., Part 99.
- 92 8. The investigation shall include but not be limited to the nature, extent, and cause of
93 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the
94 names and conditions of other children in the home, if any; the home environment and the

95 relationship of the subject child to the parents or other persons responsible for the child's care;
96 any indication of incidents of physical violence against any other household or family member;
97 and other pertinent data.

98 9. When a report has been made by a person required to report under section 210.115,
99 the division shall contact the person who made such report within forty-eight hours of the receipt
100 of the report in order to ensure that full information has been received and to obtain any
101 additional information or medical records, or both, that may be pertinent.

102 10. Upon completion of the investigation, if the division suspects that the report was
103 made maliciously or for the purpose of harassment, the division shall refer the report and any
104 evidence of malice or harassment to the local prosecuting or circuit attorney.

105 11. Multidisciplinary teams shall be used whenever conducting the investigation as
106 determined by the division in conjunction with local law enforcement. Multidisciplinary teams
107 shall be used in providing protective or preventive social services, including the services of law
108 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and
109 other agencies, both public and private.

110 12. For all family support team meetings involving an alleged victim of child abuse or
111 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian
112 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
113 provided notice and be permitted to attend all such meetings. Family members, other than
114 alleged perpetrators, or other community informal or formal service providers that provide
115 significant support to the child and other individuals may also be invited at the discretion of the
116 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian
117 or custodian and the foster parents may request that other individuals, other than alleged
118 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
119 attends such team meetings, the division or the convenor of the meeting shall provide such
120 persons with notice of all such subsequent meetings involving the child. Families may determine
121 whether individuals invited at their discretion shall continue to be invited.

122 13. If the appropriate local division personnel determine after an investigation has begun
123 that completing an investigation is not appropriate, the division shall conduct a family
124 assessment and services approach. The division shall provide written notification to local law
125 enforcement prior to terminating any investigative process. The reason for the termination of
126 the investigative process shall be documented in the record of the division and the written
127 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
128 any investigation by law enforcement.

129 14. If the appropriate local division personnel determines to use a family assessment and
130 services approach, the division shall:

131 (1) Assess any service needs of the family. The assessment of risk and service needs
132 shall be based on information gathered from the family and other sources;

133 (2) Provide services which are voluntary and time-limited unless it is determined by the
134 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
135 family refuses to accept the services. The division shall identify services for families where it
136 is determined that the child is at high risk of future abuse or neglect. The division shall
137 thoroughly document in the record its attempt to provide voluntary services and the reasons these
138 services are important to reduce the risk of future abuse or neglect to the child. If the family
139 continues to refuse voluntary services or the child needs to be protected, the division may
140 commence an investigation;

141 (3) Commence an immediate investigation if at any time during the family assessment
142 and services approach the division determines that an investigation, as delineated in sections
143 210.109 to 210.183, is required. The division staff who have conducted the assessment may
144 remain involved in the provision of services to the child and family;

145 (4) Document at the time the case is closed, the outcome of the family assessment and
146 services approach, any service provided and the removal of risk to the child, if it existed.

147 15. (1) Within [thirty] **forty-five** days of an oral report of abuse or neglect, the local
148 office shall update the information in the information system. The information system shall
149 contain, at a minimum, the determination made by the division as a result of the investigation,
150 identifying information on the subjects of the report, those responsible for the care of the subject
151 child and other relevant dispositional information. The division shall complete all investigations
152 within [thirty] **forty-five** days, unless good cause for the failure to complete the investigation is
153 **specifically** documented in the information system. **Good cause for failure to complete an**
154 **investigation shall include, but not be limited to:**

155 (a) **The necessity to obtain relevant reports of medical providers, medical**
156 **examiners, psychological testing, law enforcement agencies, forensic testing, and analysis**
157 **of relevant evidence by third parties which has not been completed and provided to the**
158 **division;**

159 (b) **The attorney general or the prosecuting or circuit attorney of the city or county**
160 **in which a criminal investigation is pending certifies in writing to the division that there**
161 **is a pending criminal investigation of the incident under investigation by the division and**
162 **the issuing of a decision by the division will adversely impact the progress of the**
163 **investigation; or**

164 (c) **The child victim, the subject of the investigation or another witness with**
165 **information relevant to the investigation is unable or temporarily unwilling to provide**

166 **complete information within the specified time frames due to illness, injury, unavailability,**
167 **mental capacity, age, developmental disability, or other cause.**

168

169 **The division shall document any such reasons for failure to complete the investigation.**

170 (2) If [a child involved in a pending investigation dies] **a child fatality or near-fatality**
171 **is involved in a report of abuse or neglect**, the investigation shall remain open until the
172 division's investigation surrounding [the death] **such death or near-fatal injury** is completed.

173 (3) If the investigation is not completed within [thirty] **forty-five** days, the information
174 system shall be updated at regular intervals and upon the completion of the investigation, **which**
175 **shall be completed no later than ninety days after receipt of a report of abuse or neglect,**
176 **or one hundred and twenty days after receipt of a report of abuse or neglect involving**
177 **sexual abuse, or until the division's investigation is complete in cases involving a child**
178 **fatality or near-fatality.** The information in the information system shall be updated to reflect
179 any subsequent findings, including any changes to the findings based on an administrative or
180 judicial hearing on the matter.

181 16. A person required to report under section 210.115 to the division and any person
182 making a report of child abuse or neglect made to the division which is not made anonymously
183 shall be informed by the division of his or her right to obtain information concerning the
184 disposition of his or her report. Such person shall receive, from the local office, if requested,
185 information on the general disposition of his or her report. Such person may receive, if
186 requested, findings and information concerning the case. Such release of information shall be
187 at the discretion of the director based upon a review of the reporter's ability to assist in protecting
188 the child or the potential harm to the child or other children within the family. The local office
189 shall respond to the request within forty-five days. The findings shall be made available to the
190 reporter within five days of the outcome of the investigation. If the report is determined to be
191 unsubstantiated, the reporter may request that the report be referred by the division to the office
192 of child advocate for children's protection and services established in sections 37.700 to 37.730.
193 Upon request by a reporter under this subsection, the division shall refer an unsubstantiated
194 report of child abuse or neglect to the office of child advocate for children's protection and
195 services.

196 17. The division shall provide to any individual who is not satisfied with the results of
197 an investigation information about the office of child advocate and the services it may provide
198 under sections 37.700 to 37.730.

199 18. In any judicial proceeding involving the custody of a child the fact that a report may
200 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

201 (1) Nothing in this subsection shall prohibit the introduction of evidence from
202 independent sources to support the allegations that may have caused a report to have been made;
203 and

204 (2) The court may on its own motion, or shall if requested by a party to the proceeding,
205 make an inquiry not on the record with the children's division to determine if such a report has
206 been made.

207 If a report has been made, the court may stay the custody proceeding until the children's division
208 completes its investigation.

209 19. In any judicial proceeding involving the custody of a child where the court
210 determines that the child is in need of services under paragraph (d) of subdivision (1) of
211 subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or
212 custodian shall not be entered into the registry.

213 20. The children's division is hereby granted the authority to promulgate rules and
214 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the
215 provisions of sections 210.109 to 210.183.

216 21. Any rule or portion of a rule, as that term is defined in section 536.010, that is
217 created under the authority delegated in this section shall become effective only if it complies
218 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
219 This section and chapter 536 are nonseverable and if any of the powers vested with the general
220 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
221 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
222 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.152. 1. All identifying information, including telephone reports reported pursuant
2 to section 210.145, relating to reports of abuse or neglect received by the division shall be
3 retained by the division and removed from the records of the division as follows:

4 (1) For investigation reports contained in the central registry, identifying information
5 shall be retained by the division;

6 (2) (a) For investigation reports initiated against a person required to report pursuant to
7 section 210.115, where insufficient evidence of abuse or neglect is found by the division and
8 where the division determines the allegation of abuse or neglect was made maliciously, for
9 purposes of harassment or in retaliation for the filing of a report by a person required to report,
10 identifying information shall be expunged by the division within forty-five days from the
11 conclusion of the investigation;

12 (b) For investigation reports, where insufficient evidence of abuse or neglect is found
13 by the division and where the division determines the allegation of abuse or neglect was made
14 maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying

15 information shall be expunged by the division within forty-five days from the conclusion of the
16 investigation;

17 (c) For investigation reports initiated by a person required to report under section
18 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying
19 information shall be retained for five years from the conclusion of the investigation. For all other
20 investigation reports where insufficient evidence of abuse or neglect is found by the division,
21 identifying information shall be retained for two years from the conclusion of the investigation.
22 Such reports shall include any exculpatory evidence known by the division, including
23 exculpatory evidence obtained after the closing of the case. At the end of such time period, the
24 identifying information shall be removed from the records of the division and destroyed;

25 (3) For reports where the division uses the family assessment and services approach,
26 identifying information shall be retained by the division;

27 (4) For reports in which the division is unable to locate the child alleged to have been
28 abused or neglected, identifying information shall be retained for ten years from the date of the
29 report and then shall be removed from the records of the division.

30 2. Within ninety days, **or within one hundred twenty days in cases involving sexual**
31 **abuse, or until the division's investigation is complete in cases involving a child fatality or**
32 **near-fatality**, after receipt of a report of abuse or neglect that is investigated, the alleged
33 perpetrator named in the report and the parents of the child named in the report, if the alleged
34 perpetrator is not a parent, shall be notified in writing of any determination made by the division
35 based on the investigation. The notice shall advise either:

36 (1) That the division has determined by a probable cause finding prior to August 28,
37 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists
38 and that the division shall retain all identifying information regarding the abuse or neglect; that
39 such information shall remain confidential and will not be released except to law enforcement
40 agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged
41 perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's
42 determination through a review by the child abuse and neglect review board as provided in
43 subsection 4 of this section; or

44 (2) That the division has not made a probable cause finding or determined by a
45 preponderance of the evidence that abuse or neglect exists.

46 3. The children's division may reopen a case for review at the request of the alleged
47 perpetrator, the alleged victim, or the office of the child advocate if new, specific, and credible
48 evidence is obtained that the division's decision was based on fraud or misrepresentation of
49 material facts relevant to the division's decision and there is credible evidence that absent such
50 fraud or misrepresentation the division's decision would have been different. If the alleged

51 victim is under the age of eighteen, the request for review may be made by the alleged victim's
52 parent, legal custodian, or legal guardian. All requests to reopen an investigation for review shall
53 be made within a reasonable time and not more than one year after the children's division made
54 its decision. The division shall not reopen a case for review based on any information which the
55 person requesting the review knew, should have known, or could by the exercise of reasonable
56 care have known before the date of the division's final decision in the case, unless the person
57 requesting the review shows by a preponderance of the evidence that he or she could not have
58 provided such information to the division before the date of the division's final decision in the
59 case. Any person, other than the office of the child advocate, who makes a request to reopen a
60 case for review based on facts which the person knows to be false or misleading or who acts in
61 bad faith or with the intent to harass the alleged victim or perpetrator shall not have immunity
62 from any liability, civil or criminal, for providing the information and requesting that the division
63 reopen the investigation. Any person who makes a request to reopen an investigation based on
64 facts which the person knows to be false shall be guilty of a class A misdemeanor. The
65 children's division shall not reopen an investigation under any circumstances while the case is
66 pending before a court of this state nor when a court has entered a final judgment after de novo
67 judicial review pursuant to this section.

68 4. Any person named in an investigation as a perpetrator who is aggrieved by a
69 determination of abuse or neglect by the division as provided in this section may seek an
70 administrative review by the child abuse and neglect review board pursuant to the provisions of
71 section 210.153. Such request for review shall be made within sixty days of notification of the
72 division's decision under this section. In those cases where criminal charges arising out of facts
73 of the investigation are pending, the request for review shall be made within sixty days from the
74 court's final disposition or dismissal of the charges.

75 5. In any such action for administrative review, the child abuse and neglect review board
76 shall sustain the division's determination if such determination was supported by evidence of
77 probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after
78 August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect
79 review board hearing shall be closed to all persons except the parties, their attorneys and those
80 persons providing testimony on behalf of the parties.

81 6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect
82 review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the
83 county in which the alleged perpetrator resides and in circuits with split venue, in the venue in
84 which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a
85 resident of the state, proper venue shall be in Cole County. The case may be assigned to the
86 family court division where such a division has been established. The request for a judicial

87 review shall be made within sixty days of notification of the decision of the child abuse and
88 neglect review board decision. In reviewing such decisions, the circuit court shall provide the
89 alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may
90 subpoena any witnesses except the alleged victim or the reporter. However, the circuit court
91 shall have the discretion to allow the parties to submit the case upon a stipulated record.

92 7. In any such action for administrative review, the child abuse and neglect review board
93 shall notify the child or the parent, guardian or legal representative of the child that a review has
94 been requested.

210.160. 1. In every case involving an abused or neglected child which results in a
2 judicial proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

3 (1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165
4 **except proceedings under subsection 6 of section 210.152**, sections 210.700 to 210.760,
5 sections 211.442 to 211.487, or sections 453.005 to 453.170, or proceedings to determine
6 custody or visitation rights under sections 452.375 to 452.410; or

7 (2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent,
8 and whose child is the subject of proceedings under sections 210.110 to 210.165, sections
9 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170.

10 2. **The judge, either sua sponte or upon motion of a party, may appoint a guardian**
11 **ad litem to appear for and represent an abused or neglected child involved in proceedings**
12 **arising under subsection 6 of section 210.152.**

13 [2.] 3. The guardian ad litem shall be provided with all reports relevant to the case made
14 to or by any agency or person, shall have access to all records of such agencies or persons
15 relating to the child or such child's family members or placements of the child, and upon
16 appointment by the court to a case, shall be informed of and have the right to attend any and all
17 family support team meetings involving the child. Employees of the division, officers of the
18 court, and employees of any agency involved shall fully inform the guardian ad litem of all
19 aspects of the case of which they have knowledge or belief.

20 [3.] 4. The appointing judge shall require the guardian ad litem to faithfully discharge
21 such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem
22 and appoint another. The appointing judge shall have the authority to examine the general and
23 criminal background of persons appointed as guardians ad litem, including utilization of the
24 family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the
25 safety and welfare of the children such persons are appointed to represent. The judge in making
26 appointments pursuant to this section shall give preference to persons who served as guardian
27 ad litem for the child in the earlier proceeding, unless there is a reason on the record for not
28 giving such preference.

29 [4.] 5. The guardian ad litem may be awarded a reasonable fee for such services to be
30 set by the court. The court, in its discretion, may award such fees as a judgment to be paid by
31 any party to the proceedings or from public funds. However, no fees as a judgment shall be
32 taxed against a party or parties who have not been found to have abused or neglected a child or
33 children. Such an award of guardian fees shall constitute a final judgment in favor of the
34 guardian ad litem. Such final judgment shall be enforceable against the parties in accordance
35 with chapter 513.

36 [5.] 6. The court may designate volunteer advocates, who may or may not be attorneys
37 licensed to practice law, to assist in the performance of the guardian ad litem duties for the court.
38 Nonattorney volunteer advocates shall not provide legal representation. The court shall have the
39 authority to examine the general and criminal background of persons designated as volunteer
40 advocates, including utilization of the family care safety registry and access line pursuant to
41 sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are
42 designated to represent. The volunteer advocate shall be provided with all reports relevant to the
43 case made to or by any agency or person, shall have access to all records of such agencies or
44 persons relating to the child or such child's family members or placements of the child, and upon
45 designation by the court to a case, shall be informed of and have the right to attend any and all
46 family support team meetings involving the child. Any such designated person shall receive no
47 compensation from public funds. This shall not preclude reimbursement for reasonable
48 expenses.

49 [6.] 7. Any person appointed to perform guardian ad litem duties shall have completed
50 a training program in permanency planning and shall advocate for timely court hearings
51 whenever possible to attain permanency for a child as expeditiously as possible to reduce the
52 effects that prolonged foster care may have on a child. A nonattorney volunteer advocate shall
53 have access to a court appointed attorney guardian ad litem should the circumstances of the
54 particular case so require.

210.183. 1. At the time of the initial investigation of a report of child abuse or neglect,
2 the division employee conducting the investigation shall provide the alleged perpetrator with a
3 written description of the investigation process. Such written notice shall be given substantially
4 in the following form:

5 "The investigation is being undertaken by the Children's Division pursuant to the
6 requirements of chapter 210 of the Revised Missouri Statutes in response to a report of child
7 abuse or neglect.

8 The identity of the person who reported the incident of abuse or neglect is confidential
9 and may not even be known to the Division since the report could have been made anonymously.

10 This investigation is required by law to be conducted in order to enable the Children's
11 Division to identify incidents of abuse or neglect in order to provide protective or preventive
12 social services to families who are in need of such services.

13 The division shall make every reasonable attempt to complete the investigation within
14 [thirty days, except if a child involved in the pending investigation dies the investigation shall
15 remain open until the division's investigation surrounding the death is completed.] **forty-five**
16 **days, except for good cause which shall be documented**, otherwise, within ninety days, **or one**
17 **hundred and twenty days after receipt of a report of abuse or neglect involving sexual**
18 **abuse, or when the division's investigation is complete in cases involving a child fatality or**
19 **near-fatality**, you will receive a letter from the Division which will inform you of one of the
20 following:

21 (1) That the Division has found insufficient evidence of abuse or neglect; or

22 (2) That there appears to be by a preponderance of the evidence reason to suspect the
23 existence of child abuse or neglect in the judgment of the Division and that the Division will
24 contact the family to offer social services.

25 If the Division finds by a preponderance of the evidence reason to believe child abuse or
26 neglect has occurred or the case is substantiated by court adjudication, a record of the report and
27 information gathered during the investigation will remain on file with the Division.

28 If you disagree with the determination of the Division and feel that there is insufficient
29 reason to believe by a preponderance of the evidence that abuse or neglect has occurred, you
30 have a right to request an administrative review at which time you may hire an attorney to
31 represent you. If you request an administrative review on the issue, you will be notified of the
32 date and time of your administrative review hearing by the child abuse and neglect review board.
33 If the Division's decision is reversed by the child abuse and neglect review board, the Division
34 records concerning the report and investigation will be updated to reflect such finding. If the
35 child abuse and neglect review board upholds the Division's decision, an appeal may be filed in
36 circuit court within sixty days of the child abuse and neglect review board's decision."

37 2. If the division uses the family assessment approach, the division shall at the time of
38 the initial contact provide the parent of the child with the following information:

39 (1) The purpose of the contact with the family;

40 (2) The name of the person responding and his or her office telephone number;

41 (3) The assessment process to be followed during the division's intervention with the
42 family including the possible services available and expectations of the family.

210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-
2 care facility for children, or to advertise or hold himself or herself out as being able to perform
3 any of the services as defined in section 210.201, without having in effect a written license

4 granted by the department of health and senior services; except that nothing in sections 210.203
5 to 210.245 shall apply to:

6 (1) Any person who is caring for four or fewer children. For purposes of this
7 subdivision, children who are related by blood, marriage or adoption to such person within the
8 third degree shall not be considered in the total number of children being cared for;

9 (2) Any person who has been duly appointed by a court of competent jurisdiction the
10 guardian of the person of the child or children, or the person who has legal custody of the child
11 or children;

12 (3) Any person who receives free of charge, and not as a business, for periods not
13 exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or
14 children of personal friends of such person, and who receives custody of no other unrelated child
15 or children;

16 (4) Any graded boarding school, summer camp, hospital, sanitarium or home which is
17 conducted in good faith primarily to provide education, recreation, medical treatment, or nursing
18 or convalescent care for children;

19 (5) Any child-care facility maintained or operated under the exclusive control of a
20 religious organization. When a nonreligious organization, having as its principal purpose the
21 provision of child-care services, enters into an arrangement with a religious organization for the
22 maintenance or operation of a child-care facility, the facility is not under the exclusive control
23 of the religious organization;

24 (6) Any residential facility or day program licensed by the department of mental health
25 pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation
26 exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental
27 retardation or developmental disability, as defined in section 630.005; and

28 (7) Any nursery school.

29 2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility
30 shall be exempt from licensure if such facility receives any state or federal funds for providing
31 care for children, except for federal funds for those programs which meet the requirements for
32 participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to
33 parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds
34 received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

35 3. Any child care facility not exempt from licensure shall disclose the licensure status
36 of the facility to the parents or guardians of children for which the facility provides care. No
37 child care facility exempt from licensure shall represent to any parent or guardian of children for
38 which the facility provides care that the facility is licensed when such facility is in fact not
39 licensed.

40 **4. Any in-home licensed child care facility that is organized as a corporation,**
41 **association, firm, partnership, proprietorship, limited liability company, or any other type**
42 **of business entity in this state shall qualify for the exemption for related children for**
43 **children who are related to the member of the corporation, association, firm, partnership,**
44 **proprietorship, limited liability company, or other type of business entity who is**
45 **responsible for the daily operation of the child care facility and who meets the**
46 **requirements of the child care provider. If more than one member of the corporation,**
47 **association, firm, partnership, proprietorship, limited liability company, or other type of**
48 **business entity is responsible for the daily operation of the child care facility, the exemption**
49 **for related children shall only be granted for children who are related to one of the**
50 **members. All child care facilities under this subsection shall disclose the licensure status**
51 **of the facility to the parents or guardians of children for which the facility provides care.**
52 **A parent or guardian shall sign a written notice indicating he or she is aware of the**
53 **licensure status of the facility. The facility shall keep a copy of this signed written notice**
54 **on file. All child care facilities shall provide the parent or guardian enrolling a child in the**
55 **facility with a written explanation of the disciplinary philosophy and policies of the child**
56 **care facility.**

210.482. 1. If the emergency placement of a child in a private home is necessary due to
2 the unexpected absence of the child's parents, legal guardian, or custodian, the juvenile court or
3 children's division:

4 (1) May request that a local or state law enforcement agency or juvenile officer, subject
5 to any required federal authorization, immediately conduct a name-based criminal history record
6 check to include full orders of protection and outstanding warrants of each person over the age
7 of seventeen residing in the home by using the Missouri uniform law enforcement system
8 (MULES) and the National Crime Information Center to access the Interstate Identification Index
9 maintained by the Federal Bureau of Investigation; and

10 (2) Shall determine or, in the case of the juvenile court, shall request the division to
11 determine whether any person over the age of seventeen years residing in the home is listed on
12 the child abuse and neglect registry. For any children less than seventeen years of age residing
13 in the home, the children's division shall inquire of the person with whom an emergency
14 placement of a child will be made whether any children less than seventeen years of age residing
15 in the home have ever been certified as an adult and convicted of or pled guilty or nolo
16 contendere to any crime.

17 2. If a name-based search has been conducted pursuant to subsection 1 of this section,
18 within fifteen calendar days after the emergency placement of the child in the private home, and
19 if the private home has not previously been approved as a foster or adoptive home, all persons

20 over the age of seventeen residing in the home and all children less than seventeen residing in
21 the home who the division has determined have been certified as an adult for the commission of
22 a crime shall report to a local law enforcement agency for the purpose of providing [three sets
23 of] fingerprints [each] and accompanying fees, pursuant to section 43.530. [One set of] **The**
24 fingerprints shall be used by the highway patrol to search the criminal history repository, [one
25 set] shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal
26 history files, and [one set] shall be forwarded to and retained by the division. Results of the
27 checks shall be provided to the juvenile court or children's division office requesting such
28 information. Any child placed in emergency placement in a private home shall be removed
29 immediately if any person residing in the home fails to provide fingerprints after being requested
30 to do so, unless the person refusing to provide fingerprints ceases to reside in the private home.

31 3. If the placement of a child is denied as a result of a name-based criminal history check
32 and the denial is contested, all persons over the age of seventeen residing in the home and all
33 children less than seventeen years of age residing in the home who the division has determined
34 have been certified as an adult for the commission of a crime shall, within fifteen calendar days,
35 submit to the juvenile court or the children's division [three sets of] fingerprints in the same
36 manner described in subsection 2 of this section, accompanying fees, and written permission
37 authorizing the juvenile court or the children's division to forward the fingerprints to the state
38 criminal record repository for submission to the Federal Bureau of Investigation. [One set of]
39 **The** fingerprints shall be used by the highway patrol to search the criminal history repository,
40 [one set] shall be forwarded to the Federal Bureau of Investigation for searching the federal
41 criminal history files, and [one set] shall be retained by the division.

42 4. No person who submits fingerprints under this section shall be required to submit
43 additional fingerprints under this section or section 210.487 unless the original fingerprints
44 retained by the division are lost or destroyed.

45 5. Subject to appropriation, the total cost of fingerprinting required by this section may
46 be paid by the state, including reimbursement of persons incurring fingerprinting costs under this
47 section.

48 6. For the purposes of this section, "emergency placement" refers to those limited
49 instances when the juvenile court or children's division is placing a child in the home of private
50 individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of
51 the child's primary caretaker.

210.487. 1. When conducting investigations of persons for the purpose of foster parent
2 licensing, the division shall:

3 (1) Conduct a search for all persons over the age of seventeen in the applicant's
4 household and for any child less than seventeen years of age residing in the applicant's home who

5 the division has determined has been certified as an adult for the commission of a crime for
6 evidence of full orders of protection. The office of state courts administrator shall allow access
7 to the automated court information system by the division. The clerk of each court contacted by
8 the division shall provide the division information within ten days of a request; and

9 (2) Obtain [three sets of] fingerprints for any person over the age of seventeen in the
10 applicant's household and for any child less than seventeen years of age residing in the applicant's
11 home who the division has determined has been certified as an adult for the commission of a
12 crime in the same manner set forth in subsection 2 of section 210.482. [One set of] **The**
13 fingerprints shall be used by the highway patrol to search the criminal history repository, [one
14 set] shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal
15 history files, and [one set] shall be forwarded to and retained by the division. The highway patrol
16 shall assist the division and provide the criminal fingerprint background information, upon
17 request; and

18 (3) Determine whether any person over the age of seventeen residing in the home and
19 any child less than seventeen years of age residing in the applicant's home who the division has
20 determined has been certified as an adult for the commission of a crime is listed on the child
21 abuse and neglect registry. For any children less than seventeen years of age residing in the
22 applicant's home, the children's division shall inquire of the applicant whether any children less
23 than seventeen years of age residing in the home have ever been certified as an adult and been
24 convicted of or pled guilty or nolo contendere to any crime.

25 2. After the initial investigation is completed under subsection 1 of this section:

26 (1) No person who submits fingerprints under subsection 1 of this section or section
27 210.482 shall be required to submit additional fingerprints under this section or section 210.482
28 unless the original fingerprints retained by the division are lost or destroyed; and

29 (2) The children's division and the department of health and senior services may waive
30 the requirement for a fingerprint background check for any subsequent recertification.

31 3. Subject to appropriation, the total cost of fingerprinting required by this section may
32 be paid by the state, including reimbursement of persons incurring fingerprinting costs under this
33 section.

34 4. The division may make arrangements with other executive branch agencies to obtain
35 any investigative background information.

36 5. The division may promulgate rules that are necessary to implement the provisions of
37 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
38 created under the authority delegated in this section shall become effective only if it complies
39 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
40 This section and chapter 536 are nonseverable and if any of the powers vested with the general

41 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
42 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
43 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

211.038. 1. A child under the jurisdiction of the juvenile court shall not be reunited with
2 a parent or placed in a home in which the parent or any person residing in the home has been
3 found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

4 (1) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
5 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
6 566.209, 566.212, or 566.215;

7 (2) A violation of section 568.020;

8 (3) A violation of subdivision (2) of subsection 1 of section 568.060;

9 (4) A violation of section 568.065;

10 (5) A violation of section 568.080;

11 (6) A violation of section 568.090; [or]

12 (7) A violation of section 568.175; **or**

13 **(8) A violation of section 573.025, 573.035, 573.037, or a felony violation of section**
14 **573.040.**

15 2. For all other violations of offenses in chapters 566 [and] , 568, **and 573** not
16 specifically listed in subsection 1 of this section or for a violation of an offense committed in
17 another state when a child is the victim that would be a violation of chapter 566 [or] , 568, **or**
18 **573** if committed in Missouri, the juvenile court may exercise its discretion regarding the
19 placement of a child under the jurisdiction of the juvenile court in a home in which a parent or
20 any person residing in the home has been found guilty of, or pled guilty to, any such offense.

21 3. If the juvenile court determines that a child has abused another child, such abusing
22 child shall be prohibited from returning to or residing in any residence located within one
23 thousand feet of the residence of the abused child, or any child care facility or school that the
24 abused child attends, until the abused child reaches eighteen years of age. The prohibitions of
25 this subsection shall not apply where the alleged abuse occurred between siblings or children
26 living in the same home.

27 **4. When the division is otherwise unable to obtain the information necessary for**
28 **child placement under this section, the division may obtain fingerprints for any person**
29 **over the age of seventeen in the household and for any child less than seventeen years of**
30 **age residing in the home who the division has determined has been certified as an adult for**
31 **the commission of a crime in the same manner set forth in sections 43.543 and 210.487.**
32 **The fingerprints shall be used by the highway patrol to search the criminal history**
33 **repository and shall be forwarded to the Federal Bureau of Investigation for searching the**

34 **federal criminal history files. The highway patrol shall assist the division and provide the**
35 **criminal fingerprint background information, upon request.**

36 **5. Subject to appropriation, the total cost of fingerprinting required by this section**
37 **may be paid by the state, including reimbursement of persons incurring fingerprinting**
38 **costs under this section.**

39 **6. The division may make arrangements with other executive branch agencies to**
40 **obtain any investigative background information.**

41 **7. The division may promulgate rules that are necessary to implement the**
42 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
43 **536.010, that is created under the authority delegated in this section shall become effective**
44 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
45 **applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of**
46 **the powers vested with the general assembly under chapter 536 to review, to delay the**
47 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
48 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
49 **2014, shall be invalid and void.**

334.950. 1. As used in this section, the following terms shall mean:

2 (1) "Child abuse medical resource centers", medical institutions affiliated with accredited
3 children's hospitals or recognized institutions of higher education with accredited medical school
4 programs that provide training, support, mentoring, and peer review to SAFE CARE providers
5 in Missouri;

6 (2) "SAFE CARE provider", a physician, advanced practice nurse, or physician's
7 assistant licensed in this state who provides medical diagnosis and treatment to children
8 suspected of being victims of abuse and who receives:

9 (a) Missouri-based initial intensive training regarding child maltreatment from the SAFE
10 CARE network;

11 (b) Ongoing update training on child maltreatment from the SAFE CARE network;

12 (c) Peer review and new provider mentoring regarding the forensic evaluation of children
13 suspected of being victims of abuse from the SAFE CARE network;

14 (3) "Sexual assault forensic examination child abuse resource education network" or
15 "SAFE CARE network", a network of SAFE CARE providers and child abuse medical resource
16 centers that collaborate to provide forensic evaluations, medical training, support, mentoring, and
17 peer review for SAFE CARE providers for the medical evaluation of child abuse victims in this
18 state to improve outcomes for children who are victims of or at risk for child maltreatment by
19 enhancing the skills and role of the medical provider in a multidisciplinary context.

20 2. Child abuse medical resource centers may collaborate directly or through the use of
21 technology with SAFE CARE providers to promote improved services to children who are
22 suspected victims of abuse that will need to have a forensic medical evaluation conducted by
23 providing specialized training for forensic medical evaluations for children conducted in a
24 hospital, child advocacy center, or by a private health care professional without the need for a
25 collaborative agreement between the child abuse medical resource center and a SAFE CARE
26 provider.

27 3. SAFE CARE providers who are a part of the SAFE CARE network in Missouri may
28 collaborate directly or through the use of technology with other SAFE CARE providers and child
29 abuse medical resource centers to promote improved services to children who are suspected
30 victims of abuse that will need to have a forensic medical evaluation conducted by providing
31 specialized training for forensic medical evaluations for children conducted in a hospital, child
32 advocacy center, or by a private health care professional without the need for a collaborative
33 agreement between the child abuse medical resource center and a SAFE CARE provider.

34 4. The SAFE CARE network shall develop recommendations concerning medically
35 based screening processes and forensic evidence collection for children who may be in need of
36 an emergency examination following an alleged sexual assault. Such recommendations shall be
37 provided to the SAFE CARE providers, child advocacy centers, hospitals and licensed
38 practitioners that provide emergency examinations for children suspected of being victims of
39 abuse.

40 **5. The department of public safety shall establish rules and make payments to**
41 **SAFE CARE providers, out of appropriations made for that purpose, who provide forensic**
42 **examinations of persons under eighteen years of age who are alleged victims of physical**
43 **abuse.**

✓